IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2300 OF 2006

IN

SECOND APPEAL NO. 576 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Milind Deshmukh for the appellants.

CORAM: S.B. DESHMUKH, J.

September 14, 2006.

P.C. :

1. Heard the learned counsel for the applicant. None appears for the respondents.

2. Second Appeal No. 565 of 2005 is admitted by this court after hearing the learned counsel for the parties.

3. During the pendency of the First Appeal before the First Appellate court,

the Respondent / Original Defendant had filed R.C.S.No. 89 of 2002 in the court of Civil Judge, Junior Division, Junnar, Pune. By filing this suit on behalf of the respondents, the defendant makes the position clear that the respondent / defendant is not in physical possession of the suit property. Copy of the said suit is already taken on record and marked by letter ‘X’ for identification.

4. In this view of the matter,case for grant of ad-interim relief is established.

5. Hence, ad-interim relief in terms of prayer clause 6(a).

. S.O. 4 weeks.

sd/-

(JUDGE)